

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WILLIAM WADDELL, **PLAINTIFF,**
VS. **CIVIL ACTION NO. 4:04CV226-P-B**
RAJNIKANT DAYA D/B/A LEVEE INN, **DEFENDANT.**

CONSOLIDATED WITH

WILLIAM E. PRINCE, **PLAINTIFF,**
VS. **CIVIL ACTION NO. 4:04CV259-P-B**
RAJNIKANT DAYA D/B/A LEVEE INN, **DEFENDANT.**

ORDER

This matter comes before the court upon Defendant's Motion for Summary Judgment [33-1]. Upon due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

Because there are genuine issues of material fact requiring credibility determinations by a finder of fact, the motion is not well-taken and should be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant's Motion for Summary Judgment [33-1] is hereby **DENIED**.

SO ORDERED this the 27th day of October, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE